

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2325

THIS DOCUMENT RELATES TO CASES IDENTIFIED
ON THE ATTACHED EXHIBIT A:

ORDER

(Dismissing AMS with Prejudice
and Transferring Cases to MDL 2327)

Pending in each of the individual civil actions listed on Exhibit A (attached hereto) is a Motion to Dismiss With Prejudice, filed by American Medical Systems, Inc., as identified in the motions, pursuant to the procedures established by Pretrial Order # 254. *See* Pretrial Order (“PTO”) # 254, *In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2325 (“AMS MDL 2325”) [ECF No. 6100]. The plaintiff or plaintiffs in each case identified on Exhibit A did not file an objection, and the matter is ripe for consideration.

As stated in PTO # 254, the court established certain procedures to prompt dismissals of settled cases. Under these procedures, the court directed AMS to file a motion to dismiss in each individual case where a plaintiff has provided an executed, valid release, and the defendant has authorized disbursement to the plaintiff of the settlement amount to which the plaintiff’s counsel has agreed. Among other requirements, the court also mandated AMS file a declaration certifying the completion of certain procedures in conjunction with the motion to dismiss.

AMS has complied with these directives and procedures, and the plaintiffs have not filed an opposition. It appearing to the court that the plaintiffs and AMS have jointly agreed to settle, and have settled their claims, the dismissal of AMS in each case identified on Exhibit A is appropriate. Additionally, the court notes that dismissing AMS from these cases leaves no active defendants from MDL 2325.

Therefore, it is **ORDERED** that:

- 1) the Motion to Dismiss with Prejudice is **GRANTED**; and
- 2) defendant AMS is **DISMISSED WITH PREJUDICE** from the actions listed on the attached Exhibit A;
- 3) these actions are **TRANSFERRED** to MDL 2327
- 4) pursuant to AMS MDL PTO # 249 (Docket Control Order – American Medical Systems, Inc. Wave 3 Cases), as amended by PTO # 255 (Amended Docket Control Order – American Medical Systems, Inc., Wave 3 Cases) which states the following,

Transfer of any Wave 3 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. (“Bard”), Boston Scientific Corporation (“BSC”) or Ethicon, Inc. (“Ethicon”), MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

Any civil action listed in Exhibit A that resides in AMS Wave 3 is now subject to PTO # 280 as amended by PTO # 303 entered in MDL 2327; and

- 5) to the extent an Amended Short Form complaint has not been filed, plaintiff’s counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint if applicable.

The court **DIRECTS** the Clerk as follows:

- 1) disassociate the civil actions as member cases in MDL 2325 and re-associate them

with MDL 2327;

- 2) for any case listed on Exhibit A that is on the pending inactive docket, remove only the MDL AMS Inactive flag;
- 3) for any case listed in the Exhibit that had a 2325 Wave 3 flag prior to the entry of this Order, file MDL 2327 PTOs # 280 and 303;
- 4) For any case listed in the Exhibit that had a 2325 Wave 3 flag prior to the entry of this Order, change the 2325 Wave 3 flag to MDL 2327 Wave 8 flag;
- 5) file a copy of this order in In re: Ethicon, Inc., 2:12-md-2327, and in the individual cases listed on Exhibit A; and,
- 6) send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: October 12, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

Case Number	Case Short Style	ECF No.	Date Filed
2:12-cv-09089	Carpenter v. American Medical Systems, Inc. et al	25	08/06/18
2:14-cv-05975	Slamen et al v. American Medical Systems, Inc. et al	12	08/06/18
2:15-cv-04217	Taylor et al v. American Medical Systems, Inc. et al	14	08/06/18
2:17-cv-02041	Lindsay et al v. American Medical Systems, Inc. et al	17	08/06/18